

State Department Annual Report on Trafficking in Persons 2010

Office to Monitor and Combat Trafficking in Persons

CUBA

Cuba is principally a source country for children subjected to trafficking in persons, specifically commercial sexual exploitation within the country. Some Cuban medical professionals have stated that postings abroad are voluntary and well paid; however, others have claimed that their services “repaid” Cuban government debts to other countries and their passports were withheld as they performed their services. The scope of trafficking within Cuba is difficult to gauge due to the closed nature of the government and sparse non-governmental or independent reporting.

The Government of Cuba does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. In a positive step, the Government of Cuba shared information about human trafficking and its efforts to address the issue. However, the government did not prohibit all forms of trafficking during the reporting period, nor did it provide specific evidence that it prosecuted and punished trafficking offenders, protected victims of all forms of trafficking, or implemented victim protection policies or programs to prevent human trafficking.

Recommendations for Cuba: Enact legislation criminalizing all forms of human trafficking; establish legal provisions to ensure sex and labor trafficking victims are not punished for unlawful acts, such as prostitution violations, committed as a direct result of being trafficked; in partnership with trafficking victim specialists, ensure adults and children have access to adequate victim protection and assistance; and allow Cubans who work outside of Cuba to maintain possession of their passports.

Prosecution

The Government of Cuba did not report discernible progress on prosecuting trafficking offenders during the reporting period. Cuba appears to prohibit most forms of trafficking activity through various provisions of its penal code, but the usage of these provisions could not be verified. Title III, Section First Article 310 provides that using children under 16 in prostitution, corruption, pornographic acts or other illegal conduct may be punishable by from seven to 30 years’ imprisonment or death. Prostitution of children over the age of 16 is legal. Article 316, on the selling of children, bans internal and transnational trafficking in children under the age of 16 for forced labor, prostitution, trade in organs, and pornography, and prescribes penalties of between four and 20 years’ imprisonment. Articles 302 and 87 prohibit inducing an adult into prostitution and prescribe penalties of up to 20 years’ imprisonment. All these penalties are sufficiently stringent, and commensurate with those prescribed for other serious crimes, such as rape. The government did not share official data relating to Cuban investigations, prosecutions, and convictions of trafficking offenders in 2009 or any other year. Reports continued of individual police officers profiting from the commercial sex trade, though the practice is officially discouraged. No investigations or prosecutions of public officials have been confirmed. The government did not report any anti-trafficking training provided to officials. However, UNICEF reported that police and workers in the tourist industry received this kind of training. The government also participated in UNICEF sponsored regional programs aimed at combating trafficking and providing treatment to victims.

Protection

The government did not provide substantive evidence of protection of trafficking victims during the reporting period. The government restricted the ability of international and domestic NGOs to operate in Cuba. In partnership with one NGO and another government, Cuba continued to fund the operation of two centers treating sexually abused children, but the government did not provide information about who

received treatment in these centers. The government also provided funding for women's shelters where victims could access care, though the government did not provide information about who received treatment at the shelters. According to UNICEF, both the centers for children and the women's shelters are used by trafficking victims, and the staff is trained specifically on how to identify and treat trafficking victims. The government did not report that police and other officials employed procedures to proactively identify trafficking victims, such as people in prostitution, and guide them to services, but a UNICEF representative indicated that the police receive specific training on identifying trafficking victims and information about how to refer them to available services. The government provided no evidence that it encouraged trafficking victims to assist in the investigation and prosecution of trafficking offenders.

Prevention

To date the government has made limited efforts in anti-trafficking prevention efforts. The government generally did not discuss publically human trafficking issues. The government did not implement any known public awareness campaigns to prevent forced labor or forced prostitution. The government did not report the existence of an anti-trafficking task force, monitoring mechanism, or action plan. However, the National Action Plan for Children and Adolescents sets specific goals and provides implementation guidance on protecting the rights of children and preventing child labor, prostitution, and trafficking. During the reporting period, the official press produced several articles on Cuban citizens who reportedly were subjected to forced labor and forced prostitution in Mexico while awaiting passage to the United States. The government made no known efforts to reduce the demand for commercial sex. The government denied it had a child sex tourism problem but it banned children under 16 from nightclubs, and according to Cuban government documents, the government provided training to hotel workers and others in the tourism industry on how to identify and report potential sex tourists. Cuba is not a party to the 2000 UN TIP Protocol.